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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Rm 222
Washington, D.C. 20554

FCC MAIL ROOM

Re: Gen. Dkt. No. 90-314
Comment to Ex Parte Presentation by Motorola

Dear Mr. Caton:

CELSAT, INC., an MSS applicant in the 1970/1990 and 2160/2180 GHz bands and member of the informal MSS coalition, hereby submits the following brief comments to certain ex parte material filed in the above referenced proceeding on May 25, 1994 by Motorola. As a member of the MSS coalition CELSAT was asked to join in a coalition statement in support of the position and recommendations reflected in Motorola's May 25th ex parte filing. CELSAT cannot subscribe to either the Motorola "recommendation" or the coalition's position in response thereto, and therefore requests that these independent comments be considered.

Motorola's May 25th filing discusses, *inter alia*, a revised PCS band allocation proposal (which Motorola represents as its own) whereby all PCS licenses would be awarded in spectrum blocks below 2 GHz -- namely, in the ET bands between 1850 and 1990 MHz. Motorola further represents that this proposal "would be acceptable to the . . . satellite community;" that alternative spectrum in the ENG 2 GHz bands should be cleared and allocated for future "global" MSS use; and that "U.S. MSS systems will not need immediate access to this spectrum." These latter representations are not correct.

First, to the extent that CELSAT has been invited as a participant in the MSS coalition which, in turn, apparently contributed to Motorola's recommendation, CELSAT submits that such a recommendation is absolutely contrary to CELSAT's interests. Specifically, it effectively wipes out the only bands available over Region 2 and the U.S., with any certainty and within a meaningful time frame, that are available for hybrid space and ground use. These bands are also invaluable because they are conducive to sharing with incumbents yet have a workable relocation plan in place, and because they permit the minimum amount of band spacing necessary

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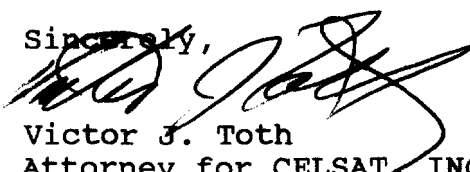
for satellite use. To the extent CELSAT previously accepted the possibility of any encroachment into the MSS Region 2 bands at 1970/1990 MHz, it did so only with the understanding that such a possibility was inevitable and actually reflected the apparent direction of the Commission and the PCS Task Force. Clearly, CELSAT was not aware that a member of the coalition itself was the principal architect of the proposal. (Iridium is, of course, an offspring of Motorola.)

Because Motorola's proposal effectively eliminates 100% of the only usable MSS bands immediately available for MSS use over the United States, as one member of the "satellite community," CELSAT submits that this is not only not within CELSAT's interests but not in the public interest either. As for the Motorola misrepresentation that the MSS candidates are in no immediate need for additional spectrum, while this might be true of those MSS coalition members which have no application plans in progress, it certainly is not true as to CELSAT. CELSAT's interest in and immediate need for spectrum having the unique characteristics of these bands (1970/1990 and 2160/2180 MHz) has been known for nearly three years and has been confirmed by its recent application. Accordingly, there can be no basis for Motorola's representation that the subject spectrum is not urgently needed by the MSS community (unless Motorola's strategy is to foreclose CELSAT and its proposed hybrid space ground system from any spectrum access).

What would CELSAT have the Commission do? First, CELSAT would emphasize that the 1970/1990 MHz band is essential to MSS and thus the Commission's original thinking in this respect (as reflected in its original PCS allocation order) should be preserved as much as possible. To the extent, however, that there must be some encroachment into the so-called Region 2 MSS bands, it should be minimized even to the extent that it results in an imbalanced pair. (For example, a 15 MHz uplink between 1975/1990 MHz paired with a 20 MHz downlink at 2160/2180 MHz is still extremely useful to a hybrid system such as proposed by CELSAT to the extent that it simplifies and lessens the number of incumbents which might have to be cleared in the downlink band. It also allows for applications with imbalanced up- and down traffic volumes.)

Further, until such time as additional, alternative spectrum is allocated for MSS, any spectrum in these bands reallocated for PCS use should preserve a secondary allocation for MSS use. Finally, any such reallocated spectrum earmarked for "global" MSS use must clearly provide also for less than fully "global" use -- namely, more limited use only over the U.S.

Sincerely,



Victor J. Toth
Attorney for CELSAT, INC